

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STONE STRONG, LLC, a Nebraska
limited liability company,

Plaintiff,

vs.

STONE STRONG OF TEXAS, LLC, a
Texas limited liability company,

Defendant.

4:21-CV-3160

ORDER

The defendant has filed a motion ([filing 30](#)) seeking leave to submit additional evidence ([filing 30-1](#)) in support of its opposition ([filing 22](#)) to the plaintiff's motion for preliminary injunctive relief ([filing 8](#)). But the defendant has not explained why that evidence—a sworn statement from its manager along with the license agreement, invoices, and payment records¹—could not have been filed at the same time as the defendant's brief in opposition. And the defendant's brief certainly raised the issue to which the evidence is purportedly relevant—whether or not the defendant actually breached the license agreement by not making timely payment. See [filing 22 at 2-5](#). The Court cannot think of a good reason why that evidence wouldn't have been submitted in support of the defendant's brief, nor has the defendant articulated a good reason for its failure to do so.

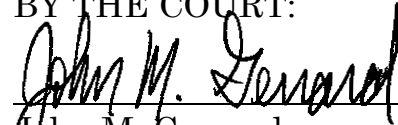
¹ The evidence is described in the defendant's motion as "a substantial amount of new, sworn allegations, as well as new documents, including many documents, emails and other communications between the parties." [Filing 30 at 3](#). But only the invoices and payment records are new, and no emails or communications are included. See [filing 30-1](#). The Court would reach the same conclusion regardless.

In sum: the plaintiff's motion has been fully briefed, and—because neither party's brief sought an evidentiary hearing or oral argument, *see* [filing 12 at 2](#)—the plaintiff's motion is fully submitted and will be decided on the record that's been made.

IT IS ORDERED that the defendant's motion for leave ([filing 30](#)) is denied.

Dated this 30th day of September, 2021.

BY THE COURT:



John M. Gerrard
United States District Judge